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8 **United States District Court**
9 **Central District of California**
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11 Maurice Hastings,

12 Plaintiff,

13 v.

14 Grant Price et al.,

15 Defendants.
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Case № 2:23-cv-09684-ODW (AGRx)

**ORDER GRANTING MOTION TO
SET ASIDE DEFAULT [37]**

18 Presently before the Court is Defendants Grant Price and Russell Enyeart's
19 ("Defendants") Motion to Set Aside the Clerk's Entry of Default. (Mot. Set Aside
20 ("Motion" or "Mot."), ECF No. 37.) After carefully considering the papers filed in
21 connection with the Motion, the Court deems the matter appropriate for decision
22 without oral argument and vacates the April 8, 2024 hearing. Fed. R. Civ. P. 78(b);
23 C.D. Cal. L.R. 7-15.

24 Central District of California Local Rule 7-9 requires an opposing party to file
25 an opposition to any motion at least twenty-one (21) days prior to the date designated
26 for hearing the motion. Additionally, Local Rule 7-12 provides that "[t]he failure to
27 file any required paper, or the failure to file it within the deadline, may be deemed
28 consent to the granting or denial of the motion." *See Ghazali v. Moran*, 46 F.3d 52,

1 54 (9th Cir. 1995) (upholding district court's dismissal of plaintiff's complaint based
2 on plaintiff's failure to oppose motion as required by local rules).

3 The Court has considered Defendants' Motion and supporting papers and finds
4 that good cause supports setting aside Defendants' default. Further, Defendants
5 represent that Plaintiff does not oppose the Motion. Defendants set the Motion for
6 hearing on April 8, 2024. Thus, Plaintiff's opposition was due by March 18, 2024.
7 As of the date of this Order, Plaintiff has not filed an opposition, or any other filing
8 that could be construed as a request for a continuance. Accordingly, the Court deems
9 Plaintiff's failure to oppose as consent to granting the Motion.

10 The Court **GRANTS** Defendants' unopposed motion to set aside the Clerk's
11 Entry of Default as to Grant Price and Russel Enyeart, (Mot., ECF No. 37), and
12 **VACATES** the Clerk's Entry of Default, dated January 31, 2024, (Default by Clerk,
13 ECF No. 32). **As to Defendant Price**, Plaintiff shall effectuate proper service
14 consistent with Rule 4 of the Federal Rules of Civil Procedure within thirty (30) days
15 from the date of this order. **As to Defendant Enyeart**, he shall file the proposed
16 answer within seven (7) days from the date of this order, consistent with the Court's
17 Local Rules. (*See* C.D. Cal. L.R. 15-1 ("[A] party who obtains leave of Court to file
18 an amended pleading must promptly thereafter file the pleading approved by the Court
19 as a separate document in the Court's CM/ECF System.").)

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21 **IT IS SO ORDERED.**

22
23 March 20, 2024

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26 **OTIS D. WRIGHT, II**
27 **UNITED STATES DISTRICT JUDGE**
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